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IN THE UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

OCT 16 2023

STATE OF NEW MEXICO, *ex rel.*

State Engineer

Plaintiff,

v.

ROMAN ARAGON, *et al.*,

Defendants.

MITCHELL R. ELFERS
CLERK

69cv07941-KWR/KK

RIO CHAMA STREAM SYSTEM

Section 3: Canjilon Creek

Subfile No.: CHCJ-005-0004

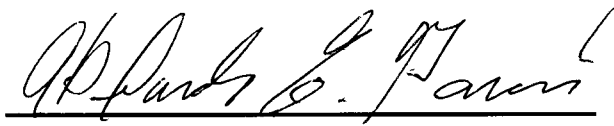
CHCJ-006-0001

**WITHDRAWAL OF OBJECTION AND STIPULATION ON PRIORITY DATES AND
IRRIGATION WATER REQUIREMENTS**

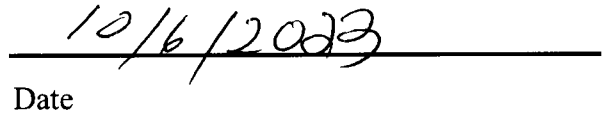
Defendants Abelardo E. Garcia and Geraldine E. Garcia (“Garcias”) partially agree with the proposed determination of priority dates and irrigation water requirements in the Canjilon Creek Subsection of Section 3 of the Rio Chama Stream System, as described in the Court’s *Notice and Order to Show Cause* (Doc. 11030, filed 06/20/2014). The Garcias hereby withdraw their objections and stipulate to those proposals concerning Subfile Nos. CHCJ-005-0004 and CHCJ-006-0001 as follows:

1. The priority date for Garcia Ditch No. 2 is **1892**.
2. The irrigation water requirements for their surface water irrigation rights recognized in Subfile Nos. CHCJ-005-0004 and CHCJ-006-0001 are:
 - a. Weighted consumptive irrigation requirement (CIR) is 1.16 acre-feet per acre per annum.

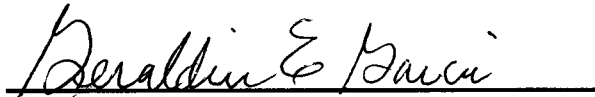
- b. The farm delivery requirement (FDR) is 2.90 acre-feet per acre per annum.
- c. The project diversion requirement (PDR) is 4.83 acre-feet per acre per annum.
- 3. The Garcias maintain their objection to the State's proposed priority date of **1900** for their water rights on the A.E. Garcia Ditch.



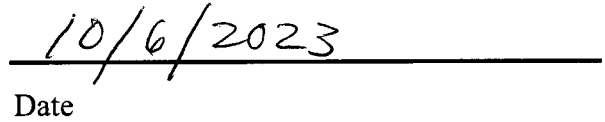
Abelardo E. Garcia
P.O. Box 447
Canjilon, NM 87515



Date



Geraldine E. Garcia
P.O. Box 447
Canjilon, NM 87515



Date

To whom it may concern,

October 6, 2023

We, Mr. Abelardo E. Garcia Sr. and Mrs. Geraldine object to the priority date proposed of "1900" for our titled A.E. Garcia ditch. We have read the notes of the historian that were presented to us. On these notes it states that "perhaps" the date may be earlier but no documentation was found. Our stance is that in also reviewing the priority dates list, the ditches both to our north and south boundaries have a priority date of "1882". My father spoke endlessly about the history of the land that we reside on. We know that this land had farming and ranching a long time ago.

A copy of a patent was provided to Mr. Tomas Martinez for the early 1900's, BUT we claim that there is no one that can prove otherwise because all our elderly people have since expired and also that someone failed to file paperwork with any department in a timely manner.

We will continue to look for documentation, possibly through the church to hopefully find proof.

Hopefully, the court can see that both ditches to the North and to the South of our land have their priority date as 1882 and assigns us the same date because people resided along this creek as stated in the historian's notes.

Feel free to contact me with any questions on this matter at (575) 684-2266.

Thanks,

A handwritten signature in black ink, appearing to read "Abelardo E. Garcia Sr." with a stylized flourish at the end.

Abelardo E. Garcia Sr.

A handwritten signature in black ink, appearing to read "Geraldine E. Garcia" in a cursive script.

Geraldine E. Garcia

P.O. Box 447

Canjilon, N.Mex. 87515

Mr. & Mrs. Abelardo Garcia
P.O. Box 447
Cajillon, NM 87515

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ALBUQUERQUE, NEW MEXICO

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MITCHELL R. ELFERS
CLERK

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United State District Court Clerk
333 Lomas Blvd. NW, Suite 270
Albuquerque, NM 87102

87102-227470

